



## UNITED STATES PATENT AND TRADEMARK OFFICE

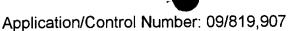
UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
09/819,907	03/29/2001	Haruhito Ono	862.C2170	5369	
5514	7590 06/03/2003				
FITZPATRICK CELLA HARPER & SCINTO			EXAM	EXAMINER	
	ELLER PLAZA , NY 10112		VANORE,	VANORE, DAVID A	
			ART UNIT	PAPER NUMBER	
			2881		

DATE MAILED: 06/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    The MAILING DATE of this communication appears on the cover sheet with the correspondence address   Period for Reply		Application No.	Applicant(s)	M
Examiner	•	,		
David A Vanore   2881	Office Action Summary			
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Estancianc for time may be available under the provisions of 3 CFR 1.18(a), In an event, however, may a raply to timely filed after SIX (6) MONTHS from the mailing date of this communication, reply within the statebary minimum of thiny 100 days with be considered timely.  If the period reply specified date in both the provision reply within the statebary minimum of thiny 100 days with be considered timely.  If the period reply specified device is beat than they of 30 cms and will supply and will septem 82 (f) MONTHS for the mailing date of this communication.  If the period reply within the set of extended period for reply will, by statebary and will septem 82 (f) MONTHS for the mailing date of this communication.  Amy reply received by the Office later has three months after the mailing date of this communication, who is a provision of the set o	omee fielden eammar,			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(s) FROM THE MAILING DATE OF THIS COMMUNICATION.  Educations of time marky be available under the provisions of 3 C FR 1.136(s). In no event, however, may a reply be timely filed  Education of time marky be available under the provisions of 3 C FR 1.136(s). In no event, however, may a reply be timely filed  Education of timely appelled above, the maintenant statistics provided will apply and will expire SIX (s) MONTH's from the maining date of this communication.  If NO period for reply is appelled above, the maintenant statistics provided will apply and will expire SIX (s) MONTH's from the maining date of this communication.  Failure to reply whether the ord variety whether the maintenant and the maining date of this communication, even if timely filled, may reduce any second planted form adjustment. See 37 CFR 1.704(b).  Status  1) Responsive to communication(s) filed on	The MAII ING DATE of this communication			ess
THE MAILING DATE OF THIS COMMUNICATION.  Esterations of time may be available under the provisions of 3 C/PR 1.35(a). In or event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of files communication.  If the product or engly specified shows in less then thing (70) days, eagly within the statistory minimum of thury (30) days will be considered timely.  If the product or engly section to the provision of the communication of the provision of the communication of the provision of			•	
2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s)   is/are pending in the application.  4a) Of the above claim(s)   is/are withdrawn from consideration.  5)  Claim(s)   is/are allowed.  6)  Claim(s)   is/are rejected.  7)  Claim(s)   is/are objected to.  8)  Claim(s)   is/are objected to.  9)  The specification is objected to by the Examiner.  4pplication Papers  9)  The proposed drawing or incettion filed on   is: a)   approved by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11)  The proposed drawing correction filed on   is: a)   approved by   tis approved by the Examiner.  12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)   Some * ○	THE MAILING DATE OF THIS COMMUNICATIO  - Extensions of time may be available under the provisions of 37 CFF after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a  - If NO period for reply is specified above, the maximum statutory per  - Failure to reply within the set or extended period for reply will, by standard patent term adjustment. See 37 CFR 1.704(b).	N. R 1.136(a). In no event, however, may a reply within the statutory minimum of thi riod will apply and will expire SIX (6) MOI atute. cause the application to become Al	reply be timely filed ty (30) days will be considered timely. NTHS from the mailing date of this com BANDONED (35 U.S.C. § 133).	munication.
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	2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of		



Art Unit: 2881

## **DETAILED ACTION**

## Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-19, drawn to a charged particle exposure apparatus, classified in class 250, subclass 492.22.
- II. Claims 20-23, drawn to a factory, device manufacturing method, and method of maintainance of charged particle devices, classified in class 250, subclass 492.2.

Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because Group I is drawn to a charged particle beam apparatus and does not require a factory or network to perform is recited function. The subcombination has separate utility such as a semiconductor manufacturing plant and method of use.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Application/Control Number: 09/819,907

Art Unit: 2881

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A Vanore whose telephone number is 703-306-0246. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Lee can be reached on 703-308-4116. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

dav May 20, 2003

SUPERVISORY PATENT EXAMINER